

SUPREME JUDICIAL COURT

Boston, Massachusetts 02108

NOTICE OF APPROVAL

Notice is hereby given that the Supreme Judicial Court has approved and promulgated rules as further indicated below.

RODERICK L. IRELAND

Chief Justice

1. Court Submitting Rules for Approval:

Appeals Court

2. Date Rules Submitted for Approval:

April 4, 2011

3. Date Approved and Promulgated by the Supreme Judicial Court:

April 20, 2011

4. Rules or Rules, or Amendments Thereto, Approved and Promulgated:

Amendments to Standing Order Regarding the Filing of Certain
Motions and Letters

Effective date: June 1, 2011

(The original of this notice is to be filed in the office of the Clerk of the Supreme Judicial Court for the Commonwealth, and a copy to be sent by the Clerk to the court which requested approval of the rules.)



COMMONWEALTH OF MASSACHUSETTS
THE APPEALS COURT
BOSTON, MASSACHUSETTS 02108

PHILLIP RAPOZA
CHIEF JUSTICE

April 4, 2011

Honorable Francis X. Spina
Chair, SJC Rules Committee
Supreme Judicial Court
John Adams Courthouse
One Pemberton Square
Boston, Massachusetts 02108

Re: Amendment to "Standing Order Regarding the Filing of Certain Motions and Letters"

Dear Justice Spina:

The Justices of the Appeals Court have proposed the adoption of an amended version of its "Standing Order Regarding the Filing of Certain Motions and Letters," a copy of which is attached.

The original standing order went into effect on May 1, 2010. Since then, the court has identified several items that need to be modified to make the electronic filing of documents more efficient and convenient for counsel, litigants, and the court. First, the court has revised the standing order's title to more accurately reflect its scope, revising it to state "Standing Order Requiring the Electronic Filing of All Motions and Letters After Panel Assignment." Second, the court has deleted the requirement that attorneys and self-represented litigants file both a paper original and a PDF copy of the same document. Instead, the standing order requires attorneys and litigants to electronically file (i.e., e-mail) only a PDF of the document, and submit no paper original or copies. An original or additional paper copies are not required because the Clerk's Office distributes these documents electronically to the Justices. This change will benefit counsel and self-represented parties since they will not need to incur the costs associated with producing and mailing or delivering multiple paper copies, and streamline the distribution mechanisms within the court. Finally, the revised standing order states that upon motion and a showing of good cause, the court can grant leave to file only a paper copy in lieu of the PDF.

On behalf of the Appeals Court, I respectfully request that the Supreme Judicial Court approve the adoption of this revised standing order, which we would like to become effective on May 1, 2011. This is the last standing order that I will be submitting for the foreseeable future.

Thank you in advance for the attention that you and the members of the Rules Committee will be giving to the several requests that I have made in recent weeks.

Yours sincerely,

A handwritten signature in cursive script, reading "Phillip Rapoza", with a long horizontal flourish extending to the right.

Phillip Rapoza

PR/md

Enclosure

cc: Joseph Stanton, Clerk

MASSACHUSETTS APPEALS COURT

STANDING ORDER REQUIRING THE ELECTRONIC FILING OF ALL MOTIONS AND LETTERS FILED AFTER PANEL ASSIGNMENT

After the Appeals Court assigns a case to a panel of justices for consideration on the merits, either with or without oral argument, all subsequent papers in the case shall be filed electronically by e-mailing a searchable PDF (portable document format) of the document to the Clerk's Office. The PDF will be filed in lieu of the original paper and any additional paper copies of the document that are otherwise required by the Massachusetts Rules of Appellate Procedure. The court may decline to docket an original paper that is unaccompanied by an electronically filed PDF unless the court allows the filing party's motion for waiver of the standing order, upon a showing of good cause.

A. Electronic Filing Procedures.

1. The document shall be filed by e-mailing the PDF, including any attachments and a certificate of service, to: emotions@appct.state.ma.us
2. The court will deem the document filed on the date it receives the e-mail, if it is received during normal business hours. If the document is e-mailed on a weekend, holiday, or during hours when the court is closed, the document will be deemed filed on the date when the court is next open for business.
3. The person filing the PDF may electronically sign the document and certificate of service. The proper format for an electronic signature is "/s/" followed by the name of the filer. E.g. "/s/ Jason Jones."
4. Upon agreement between the parties, the service of documents by electronic mail will be deemed in compliance with Mass.R.A.P. 13(c).
5. This standing order does not apply to filings by incarcerated self-represented litigants.
6. An e-mail that attaches only a word processing document instead of a PDF will not be accepted for filing.

B. Formatting Requirements for PDF Document Name.

The subject line of the e-mail and the PDF's file name shall consist of:

- (1) an abbreviated docket number, e.g., 11P0023 (i.e., a two digit year followed, without a space, by a "P" followed, without a space, by the last four digits of the docket number);
- (2) a hyphen; and,

(3) a description of the filing containing no more than 56 characters, indicating what the document is and who filed it.

Sample acceptable document names include:

11P0826-Deft Ellis Petition for Rehearing.pdf;
10P1238-Appellee Smith 16(l) letter.pdf; or
09P1051-Defendant McCarthy Motion for Fees.pdf

NOTE

The Clerk's Office makes a docket entry and issues notice when the court (1) schedules oral argument before a panel of justices and (2) submits an appeal to a panel of justices for consideration without oral argument. This standing order applies to all filings entered after the court has issued notice of either docket entry.

For example, and without limitation, the standing order applies to the following:

1. Mass.R.A.P. 16 (l) letters;
2. Letters, information, or status reports requested or ordered by the panel or the court;
3. Motions for attorney's fees and costs;
4. Motions to enlarge time for filing petition for rehearing;
5. Petitions for rehearing;
6. Motions to stay issuance of the rescript;
7. Motions for immediate issuance of the rescript; and
8. Oppositions or responses to any of the foregoing.

The standing order is designed to allow more prompt and efficient docketing and distribution of certain motions and letters that require review by a panel of Justices. The order also is designed to aid the bar by reducing the cost of providing multiple copies of certain motions and letters. Finally, the order is designed as a pilot program so that both the court and the bar can continue exploration of the benefits and challenges of electronic document filing. The formatting requirements are designed to allow an automated transfer of the document from the e-mail to the court's document management system, where it will be instantly available to the Justices and court personnel.